

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GEIGTECH EAST BAY LLC,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>7/18/18</u>

Plaintiff,

-against-

18 Civ. 5290 (CM)

LUTRON ELECTRONICS CO., INC.,

Defendant.

x

ORDER REGARDING PENDING MOTIONS

McMahon, CJ:

Yesterday, the court first became aware that the plaintiff in this patent infringement case had filed a motion for a preliminary injunction almost a month ago. In the “olden days,” when I was practicing law, a litigant who wanted immediate relief from a court notified the court that a matter requiring urgent attention was being filed. For some reason, counsel have come to believe that the electronic filing of papers eliminates the need for notifying the court about the pendency of an urgent matter. For this court, at least, that is not the case – if the matter is urgent enough to require immediate attention, and the movant fails to alert me to its pendency, I conclude that the matter is not really as urgent as the movant insists.

The court became aware of the pendency of this motion because I was made aware of the pendency of a subsequently-filed motion for expedited discovery. I have reviewed that motion and the responsive papers filed by the defendant. Those papers bear an uncanny resemblance to an opposition to a motion for a preliminary injunction.

I hereby direct Lutron to file an opposition to the preliminary injunction motion by Friday, July 27, 2018. I understand that it is likely plaintiff wanted to take expedited discovery in order to flesh out a motion that defendants have accurately described as insufficient. However, a showing of both irreparable injury and likelihood of success on the merits is necessary to obtain expedited discovery (See, e.g., Lutron’s Opposition to the Motion for Expedited Discovery at pp.

4-5, and cases cited). Those same issues are dispositive of the question of whether a preliminary injunction should issue. I wish to dispose of the preliminary injunction motion now, so that I can get the parties started on a Patent Case Management Plan. I therefore direct that Lutron file its opposition, and that GeigTech file its reply no later than Friday, August 3.

This constitutes the decision and order of the court.

Dated: July 18, 2018



Chief Judge

BY ECF TO ALL COUNSEL